

## **Remarks**

This amendment is being submitted in response to the non-final Office Action mailed on September 30, 2005. In this Office Action, claims 1-5 of the above-referenced application are pending and claims 1-5 stand as rejected by the Patent Office. In response to this Office Action, claims 1-5 have been amended. The Applicant respectfully requests reconsideration of the claims in light of the amendments and remarks made herein.

## **Information Disclosure Statement**

Applicant notes that the Information Disclosure Statement (IDS) filed February 16, 2004 was considered by the Examiner in the September 30, 2005 Office Action. However, the Applicant wishes to advise the Patent Office that the IDS filed on August 22, 2003 (as evidenced by the enclosed OIPE-stamped return-receipt postcard) was not considered by the Patent Office. The Applicant respectfully requests that the original IDS be considered with the next Office Action, and an initialed copy of the document (Form PTO/SB/08A) be provided with the Office Action.

## **Drawings**

As indicated above, seven (7) replacement sheets of formal drawings have been submitted with this Response. The Applicant believes that these formal drawings adequately address the issues discussed on page 2 of the Office Action.

## **35 U.S.C. § 112, second paragraph**

On page 2 of the Office Action, the Patent Office indicated that claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph as being incomplete for omitting essential structural cooperative relationships of elements. Accordingly, claims 1-5 have been amended to include a physical medium capable of being acted upon, i.e., a server.

## **35 U.S.C. § 102(b)**

On page 3 of the Office Action, the Patent Office indicated that claims 1-5 are anticipated under 35 U.S.C. § 102(b) by Nakfoor (U.S. Patent No. 6,496,809). As provided by MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either

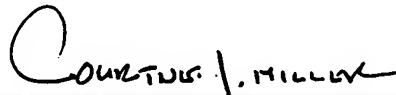
expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Furthermore, the elements must be arranged as required by the claim.

The Applicant argues that Nakfoor does not teach each and every element as set forth in the Applicant's amended claims. Specifically, Nakfoor does not teach a software means located on said server for allowing said at least one consumer to pre-register with said purchasing system by entering personal contact information and transactional information regarding desired purchases into said purchasing system database, and wherein said software means prioritizes said personal contact information and transactional information based on said pre-registration. This element has been added to independent claims 1 and 4 and their respective dependent claims, 2-3 and 5. Thus, due to the absence of this claim element from Nakfoor, this reference does not anticipate the claimed invention, and the Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

#### Conclusion

For the reasons set forth herein, this application is believed to be in condition for allowance as the claims are believed to define patentably over the cited art. Favorable consideration of this application is respectfully requested. If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account **No. 50-1059**.

Respectfully submitted,



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Date: January 23, 2006

**Amendments to the Drawings**

With this Response, the Applicant has submitted seven (7) Replacement Sheets of Formal Drawings (1-7) to address the issues presented by the Patent Office on page 2 of the Office Action. Specifically, blurred typing in the shaded portions of the diagrams and figure labeling boundaries of the flowchart shapes, have been modified.